

E-filing

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10 Attorneys for Plaintiff United States

11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO HEADQUARTERS**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 NATURE'S FARM PRODUCTS, INC.,
 19 DENNIS CHOI, and PETER PIZZO,

20 Defendants.

No. C 04-2068 VRW

**PROPOSED REVISED
 CASE MANAGEMENT ORDER**

21 By Order dated May 3, 2005, the Court granted in part and denied in part motions by
 22 defendants Nature's Farm Products, Inc., Dennis Choi, and Peter Pizzo (collectively,
 23 "defendants") to dismiss the Complaint. The Court also certified its Order for interlocutory
 24 appeal and, on July 15, 2005, the Ninth Circuit accepted defendants' application for an
 25 interlocutory appeal. In certifying its Order for interlocutory appeal, the Court ordered the
 26 parties to "confer and within 30 days submit to the court a proposal for whether this action
 27 should be stayed pursuant to the proviso of 28 USC § 1292(b)." The parties have conferred,
 28 pursuant to the Court's Order. Subject to the Court's approval, the parties through their

undersigned counsel of record hereby agree and stipulate to the following proposed amendments to the Case Management Order entered March 15, 2005:

1. **ALTERNATIVE DISPUTE RESOLUTION:** The parties shall continue to engage in efforts to resolve this matter without additional litigation during the period from now until the deadlines for the filing of appellate briefs. To that end, the depositions noticed by plaintiff for August 12, 15, and 16, shall proceed solely against Dennis Choi on August 15, 2005. The settlement conference scheduled for October 7, 2005, with Magistrate Judge Maria-Elena James, shall proceed unless this matter is resolved before that date. No fact depositions of defendants shall take place in 2005.

2. **PRIVILEGE AND WORK PRODUCT CLAIMS:** These provisions of the Case Management Order are not affected.

3. **DISCOVERY CUT-OFF:** Under the current Case Management Order, all discovery shall be completed, and all responses to interrogatories and document requests shall be served by October 31, 2005. To permit the parties to engage in settlement efforts from now through October, and to prepare briefs to the Ninth Circuit from October through November, the discovery cut-off date is extended to April 18, 2006, the date of the previously scheduled pretrial conference.

4. **EXPERT DISCLOSURE:** The deadline to complete expert disclosure is stayed pending the resolution of the interlocutory appeal.

A. **CONFERENCE BEFORE TRIAL OR EVIDENTIARY HEARING:** The pretrial conference scheduled for Tuesday, April 18, 2006, at 9:00 a.m. in Courtroom No. 6 shall proceed as scheduled as a case management conference, for the purpose of providing the Court a status update on the interlocutory appeal and, if such appeal is resolved, for scheduling purposes.

B. **OTHER MATTERS:** The date for the Dispositive Motions hearing scheduled for March 9, 2006, is vacated, pending the outcome of the interlocutory appeal. The provisions of

1 this section of the Case Management Order, concerning Discovery Disputes and Sanctions, are
2 not affected.

3
4 Respectfully submitted,

5 Dated: August ___, 2005

KEVIN V. RYAN
United States Attorney

6
7 By: _____/s/

8 SARA WINSLOW, AUSA
DAVID J. KENNEDY, SAUSA
9 Attorneys for Plaintiff, United States of America

10 Dated: August ___, 2005

FINLEY & DEATON


11
12 By: _____/s/

13 STEVEN C. FINLEY, ESQ.
Attorneys for Defendants
14 Nature's Farm Products, Inc., Dennis Choi
15 Peter Pizzo

16
17 **PROPOSED ORDER**

18 The Revised Case Management Statement and Proposed Order is hereby adopted by the
19 Court as the Case Management Order for the case and the parties are ordered to comply with this
20 Order.

21
22
23 Dated: _____

24 
25 VAUGHN R. WALKER
26 United States District Judge
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